

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

MAY 3 1 1988

IN REPLY REFER TO:

8940-GG

H & C Communications, Inc.
TV Station WTVF
474 James Robertson Parkway
Nashville, TN 37299

Gentlemen:

This is in response to your attorney's letter of March 6, 1987, regarding reduced power operation of your TV station, WTVF, Nashville, Tennessee. As you note, Section 73.1560(d) of the Commission's Rules permits operation at reduced power when "it becomes technically impossible to operate with the authorized power." You request an interpretation of this rule that would let it apply to reduced power operation during periodic routine transmitter maintenance.

We believe it is more appropriate to consider this as a request for waiver of this rule. We know of no case where such a broad interpretation of Section 73.1560(d) has been made. Further, the described situation does not appear to be a logical extension of the rule since the reduced power operation would be a matter of licensee choice, not due to full power operation being "technically impossible." However, when considered as a waiver, you have supplied sufficient information to persuade us that the public interest would be served by the manner of operation you propose. Absent this waiver, Station WTVF(TV), in complying with the FCC rules, would need to discontinue operation during its weekly transmitter maintenance period. This would deprive all of its viewers of service during this time, while the proposed half power operation would allow continued service to many of those viewers.

Accordingly, Section 73.1560(d) of the Commission's Rules IS WAIVED to allow Station WTVF(TV) to operate at reduced power for transmitter maintenance between the hours of 12 midnight and 6 AM local time, not more than one night per week. A copy of this letter should be kept with the station license.

Sincerely,



Clay C. Pendarvis
Chief, Television Branch
Video Services Division
Mass Media Bureau

cc: John S. Logan, Esq.